

AA-ADAMS CONSTRUCTION
79 County Road 23
Clio, AL 36017
Phone: 334-397-2671
Fax: 334-397-4192

**AA-ADAMS
CONSTRUCTION**

Fax

To: Sandra Godfrey

From: Ben T. Adams

Fax: 334-502-7649

Pages: 2, including this

Phone: 334-502-4100

Date: 09/04/2002

Re:

CC:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**



**AA-ADAMS
CONSTRUCTION**

AA-ADAMS CONSTRUCTION
79 County Road 23
Clio, AL 36017-3815
Phone: 334-397-2671
Fax: 334-397-4182

September 4, 2002

Charter Construction Management Company, Inc.
730 North Dean Road, Suite 200
Auburn, AL 36830

Attn: Sandra Godfrey
Subject: Sun Ridge Apartments/Request for copy of lien waiver

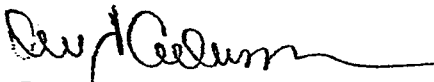
Sandra:

Almost six months have passed since I asked you to fax or mail me a copy of the lien waiver from us to Sutton Construction and Drywall Services, Inc. for the balance of \$94,415.04 that was due us from this project.

Your lack of response to my request, leads me to believe that either you do not have this lien waiver or that if you do have it someone else has signed my name.

Once again, I am requesting that you either fax or mail me a copy of this information as soon as possible.

Sincerely,



Ben T. Adams
Managing General Partner

Feb. 8. 2001 9:36AM CHARTER COMPANIES.

No. 8061 P. 1/3



THE CHARTER COMPANIES

COVER PAGE

DATE: 2/8/01

TO: Subcontractor's

FROM: Susan C.

COMPANY:

FAX NUMBER:

COMMENTS:

No. Of Pages: 3

Attached is a Subcontractors Supplier/
Subcontractor's List. This list must
be submitted with your pay request
on the 25th of each month.
Please complete this list & Fax it
back to me "today".

SC

120 North Dearborn Road, Suite 200 Auburn, Alabama 36830
Phone (334) 502-4100 Fax (334) 502-7640



FEB. 8. 2001 9:36AM CHARTER COMPANIES.

NO. 8061 P. 2/3

NOTICE TO ALL SUBCONTRACTORS

Attached you will find copies of a Supplier/Subcontractor's List and two Lien Waivers. You are now required to turn in a Supplier/Subcontractor's List with every pay request you submit. You will also be required to provide a Lien Waiver for each supplier and/or subcontractor you have paid for supplies and/or labor on Charter's project. If you do not provide materials on this project simply write "Materials Provided" or "NA" across the Supplier/Subcontractor's List and submit it with your pay request. This information must be turned in with every pay request on the 25th of the month. If you have a supplier and/or subcontractor that provides their own Lien Waiver, it's ok to use their form. Also, Charter will now require that you submit a "Final Lien Waiver" from all the supplier's/subcontractor's you have listed on all list. Any delay with this information may result in future checks being held until the information is provided. If you have any questions give us a call at 334-502-4100.

Accounting Department

02/08/2001

Mar. 15. 2001 10:29AM

CHARTER COMPANIES

No. 0790 P. 1/5



THE CHARTER COMPANIES

COVER PAGE

DATE: 3/15/01

TO: Carl Sutton

FROM: David

COMPANY:

FAX NUMBER:

COMMENTS:

No. Of Pages:

Please read e-mail.

Thanks

730 North Dean Road, Suite 200 Auburn, Alabama 36830
Phone (334) 502-4100 Fax (334) 502-7649

PLAINTIFF'S
EXHIBIT

5

Mar. 15. 2001 10:40AM

CHARTER COMPANIES

No. 0796 P. 1

david gethers

From: david gethers [dgethers@chartercompanies.com]
Sent: Thursday, March 15, 2001 10:22 AM
To: Carl Sutton (E-mail)
Cc: Gina Coleman (E-mail); Sandra Godfrey (E-mail)
Subject: Balances with Suppliers

Carl

We are in the process of getting your checks ready for the Sun Ridge and Camellia Place Apartments projects. One of the things we are now doing is calling all of our subcontractor's lists of suppliers to double check the information that they supply us on our Subcontractors Suppliers List for each project. The current lists that Ben forwarded us for both Camellia Place and Sun Ridge only had BMW listed. Sun Ridge should have had Sherwin Williams and Capital Drywall. We always need a complete list.

Secondly, when we called BMW and asked them to fax us your current account balances for both jobs they were quite different than what Ben sent us. The information for Camellia Place that he sent us dated 2-26-01 showed your current balance with BMW at \$1,897.34. Kay at BMW sent us a fax stating that your balance through 2-26-01 is \$27,008.42. The information for Sun Ridge that Ben sent us dated 2-25-01 showed on BMW, with a current balance of \$14,266.79. Kay at BMW sent us a fax stating that your balance through 2-25-01 is \$42,809.82. Ben did not put Sherwin Williams or Capital Drywall on his list for Sun Ridge, Sherwin Williams is showing your balance through 2-25-01 as \$17,330.91. We have not contacted Capital Drywall as of this date.

I don't like to get into people's business, but I have to when it effects projects that I am in charge of. BMW states that you are in good graces with them, which makes me feel good, but why would Ben show so much less than what's on the books? Frankly, if the information on Ben's sheet had included all the suppliers for both projects with balances that matched the information that was faxed to us by the suppliers, then I wouldn't worry. I always get suspicious when I'm given information that can't be substantiated.

Please review this information, yourself and with Ben if you wish, then give me a call or e-mail response.

Thanks
DG

PS - I'm faxing the information too.

04	BCBFS100	207.97	.00	.00	.00	.00	207.97-
04	DRAW042501SR	46017.92	.00	.00	.00	.00	46017.92
04	DRAW042501SR	46592.08	9261.00	.00	.00	.00	37331.08
04	DRAW042501SR-	35248.00	3524.80	.00	.00	.00	31723.20
19	DRAW0425CP	8736.00	873.60	.00	.00	.00	7862.40
19	DRAW0425CP	5000.00	500.00	.00	.00	.00	4500.00
19	DRAW0425CP	140.00	14.00	.00	.00	.00	126.00

SIGN ATTACHED LIEN WAIVER
& RETURN TODAY, FURTHER PAYMENT
WILL NOT BE PROCESSED
UNTIL ALL OUTSTANDING WAIVERS
ARE RETURNED.

CHECK DATE	CHECK NO.	TOTAL					
-15-01	# 1805	.00	.00	.00	.00	.00	127352.63

SUBCONTRACTORS

SUPPLIER/SUBCONTRACTOR'S LIST

Project Name:	<u>Sun Ridge Apartments</u>					Date:	<u>05-25-01</u>
Project Location:	<u>La Grange, GA</u>						
Subcontractor:	<u>Sutton Construction & Drywall Services, Inc.</u>						
Supplier	Address	Contact	Phone	Fax	Current Balance		
	Sherwin 408 New Franklin Road	Randy/Lisa	706-882-7757				
	Williams La Grange, GA						\$22,920.90
	Capitol 1401 Blanchard Blvd	Dennis/Ron	706-660-1700	706-660-9060			\$29,974.45
	Materials Columbus, Ga						
	ASA Supply 107 Commercial Lane	Chad Anderson	334-794-8836	334-794-7368			\$5,455.20
	Dothan, AL	Jimmy Brackin					
	Manuel Fraire Whispering Pine Apts	Manuel Fraire	334-685-0591				\$43,711.00
	La Grange, Ga						
	AA Adams Const. 79 County Rd 23	Ben Adams	334-397-2769	334-397-2769			\$116,655.76
	Clio, AL 36017						

NOTE: This list must be sent in with Every pay request. If it is not sent in, any future checks will be held in this office until list is provided.

CC: Job Superintendent

SUBCONTRACTORS

SUPPLIER/SUBCONTRACTOR'S LIST

Project Name: Sun Ridge Apartments
 Project Location: La Grange, GA
 Contractor: Sutton Construction & Drywall Services, Inc.
 Date: 06-25-01

Supplier	Address	Contact	Phone	Fax	Current Balance
	Sherwin 408 New Franklin Road Williams La Grange, GA	Randy/Lisa	706-882-7757		\$16,208.07
	Capitol 1401 Blanchard Blvd Materials Columbus, Ga	Dennis/Ron	706-660-1700	706-660-9060	\$14,987.22
	A&A Supply 107 Commercial Lane Dothan, AL	Chad Anderson	334-794-8836	334-794-7368	-0-
	Manuel Fraire Whispering Pine Apts La Grange, Ga	Manuel Fraire	334-685-0591		\$20,120.00
	AA Adams Const. 79 County Rd 23 Clio, AL 36017	Ben Adams	334-397-2769	334-397-2769	\$125,439.06

NOTE: This list must be sent in with Every pay request. If it is not sent in, any future checks will be held in office until list is provided.

Job Superintendent

SUBCONTRACTORS

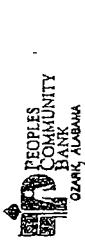
SUPPLIER/SUBCONTRACTOR'S LIST

Project Name:	Sun Ridge Apartments	Date:	07/25/01
Project Location:	LaGrange, Georgia		
Contractor:	Sutton Construction & Drywall Services, Inc.		
Owner:	Address:	Contact:	Phone:
Erwin Williams	408 New Franklin Road	Randy/Lisa	706-882-7757
	LaGrange, Georgia	Fax	Current Balance
			\$6420.31
ital Materials	1401 Blanchard Boulevard	Dennis/Ron	706-660-1700
	Columbus, Georgia		706-660-9060
uel Fraire	Whispering Pines Apartments	Manuel Fraire	334-657-7610
	LaGrange, Georgia		\$19726.39
Adams Construction	79 County Road 23	Ben Adams	334-397-2671
	Clio, AL 36017		334-397-4192
			\$98915.04

TE: This list must be sent in with Every pay request. If it is not sent in, any future checks will be held in office until list is provided.

Job Superintendent

AA - ADAMS CONSTRUCTION



DATE 08/17/01
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

CURRENCY	COIN	CHECKS LIST EACH SEPARATELY	DOLLARS
1 Charter			4500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
TOTAL FROM OTHER SIDE OR ATTACHED LIST			4500

Checks and other items are reserved for

4500.00
⑆062104041⑆0610 00073 1⑈



Community Bank and Trust
Enterprise, Alabama
AN AFFILIATE OF SYNOVUS FINANCIAL CORP.

OFFICIAL CHECK

4917891204

PAY

COMMUNITY BANK & TRUST 4500 AND 00 CTS DATE 8-16-2001

69-35
519

TO
THE
ORDER
OF

AA-ADAMS

\$ 4500.00

REMITTER

FOR

CHARTER CONSTRUCTION

PAYABLE THRU
BB&T
CHARLESTON, WV

[Signature]
AUTHORIZED SIGNATURE

⑆051900353⑆00491 78912040⑈



CHARTER CONSTRUCTION MANAGEMENT COMPANY, INC.

730 North Dean Road, Suite 200

Auburn, Alabama 36830

Voice: (334) 502-4100

Fax: (334) 502 7649

WAIVER AND SUBORDINATION OF LIEN(Suppliers)

Whereas, the undersigned AA-Adams Construction (hereinafter referred to as the "Supplier") has furnished or has contracted to furnish equipment, services, and/or material (hereinafter collectively referred to as the "Materials") in connection with the improvement of certain real property known as Sun Ridge Apartments located in Troup County, State of Georgia (hereinafter referred to as the "Property").

Now, therefore, for and in consideration of the sum of \$4,500.00 paid by Sutton Const. to the Supplier, and other good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, and in order to induce the making of the above-mentioned disbursement, the Supplier does hereby:

(a) Waive and release any lien or right to lien of the Supplier on or against said Property on account of Materials furnished by the Supplier for the improvement of said Property on or before the date hereof; and

(b) Subordinate any lien or right to lien of the Supplier on or against said Property to the lien and title of Lender in and to said Property (as granted to Lender by the documents evidencing and securing the above-mentioned loan) on account of Materials furnished by the Supplier for the improvement of said Property after the date hereof; and

(c) Warrant and represent that any and all parties who have supplied Materials to the Supplier for the improvements of said Property have been paid in full all amounts accrued by virtue of such Work through and including the date hereof; and

(d) Warrant and represent that the Supplier (or the individual executing this instrument on behalf of the Supplier has personal knowledge of the matters herein stated, and is authorized and fully qualified to execute this instrument as or on behalf of the Supplier; and

(e) Covenant and agree that this instrument is made in consideration of the payment of the aforesaid sums to the Supplier, and pursuant to the statutes of the State of Georgia with respect to the liens of laborers and material-men.

(Insert Company name and address here)

AA-Adams Construction
79 County Rd 23
Clio, AL 36017

Ben T. Adams Managing General Partner
Authorized Signature & Title

Ben T. Adams
Name of Person Signing Waiver (Printed)

Date: 09/06/01

Subscribed and sworn to before me on this 6th day of September 20 01 Notary Public

State of Alabama At Large:

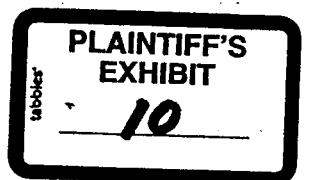
My Commission Expires: 7/5/2004
Notary Seal
(01/03/01)

Zandi C. Joss



SUBCONTRACTORS

SUPPLIER/SUBCONTRACTOR'S LIST



Date: 8-25-01

Project Name: Sun Ridge Apartments

Project Location: LaGrange, Georgia

Subcontractor: Sutton Construction & Drywall Services, Inc.

Supplier Address Contact Phone Fax Current Balance

AA-Adams Construction 79 County Rd 23 Ben Adams 334-397-2671 334-397-2671 \$94,415.04

Clio, AL 36017

NOTE: This list must be sent in with Every pay request. If it is not sent in, any future checks will be held in his office until list is provided.

C Job Superintendent